



**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/199,747 11/25/98 GIMPEL

D BALLE.044A

EXAMINER

020995 MMC2/0406  
KNOBBE MARTENS OLSON & BEAR LLP  
620 NEWPORT CENTER DRIVE  
SIXTEENTH FLOOR  
NEWPORT BEACH CA 92660

LOCKETT, K  
ART UNIT

PAPER NUMBER

2837  
DATE MAILED:

04/06/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Interview Summary

Application No.  
09/199,747

Applicant(s)  
Dudley D. Gimpel

Examiner  
Kim Lockett

Group Art Unit  
2837



All participants (applicant, applicant's representative, PTO personnel):

(1) Kim Lockett (3) \_\_\_\_\_

(2) Steve Jensen (4) \_\_\_\_\_

Date of Interview Mar 27, 2001

Type: ☒ Telephonic ☐ Personal (copy is given to ☐ applicant ☐ applicant's representative).

Exhibit shown or demonstration conducted: ☐ Yes ☒ No. If yes, brief description:

\_\_\_\_\_  
\_\_\_\_\_

Agreement ☐ was reached. ☒ was not reached.

Claim(s) discussed: \_\_\_\_\_

Identification of prior art discussed:

\_\_\_\_\_  
\_\_\_\_\_

Description of the general nature of what was agreed to if an agreement was reached, or any other comments:

The references were discussed. The examiner indicated that the Bernstein reference was cited for the fixed intonations and the LoJacono reference was cited for the cut-out intonations. The applicant argued that the applicant's invention differs because the intonations are fixed and the LaJacono and Bernstein references do not teach th at.

\_\_\_\_\_  
\_\_\_\_\_

The finality of the office action is withdrawn because the last action was a CPA - first action.

\_\_\_\_\_  
\_\_\_\_\_

(A fuller description, if necessary, and a copy of the amendments, if available, which the examiner agreed would render the claims allowable must be attached. Also, where no copy of the amendments which would render the claims allowable is available, a summary thereof must be attached.)

1. ☐ It is not necessary for applicant to provide a separate record of the substance of the interview.

Unless the paragraph above has been checked to indicate to the contrary, A FORMAL WRITTEN RESPONSE TO THE LAST OFFICE ACTION IS NOT WAIVED AND MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a response to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW.

2. ☐ Since the Examiner's interview summary above (including any attachments) reflects a complete response to each of the objections, rejections and requirements that may be present in the last Office action, and since the claims are now allowable, this completed form is considered to fulfill the response requirements of the last Office action. Applicant is not relieved from providing a separate record of the interview unless box 1 above is also checked.

*KL*

Examiner Note: You must sign and stamp this form unless it is an attachment to a signed Office action.